

VECCHIONE, VECCHIONE & CONNORS, LLP

Counselors at Law
147 HERRICKS ROAD
GARDEN CITY PARK, NEW YORK 11040

(516) 741-7575
FAX (516) 294-4636
EMAIL: info@vecchionelaw.com

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 07 2015 ★

MICHAEL F. VECCHIONE
STEVEN F. CONNORS

FRANCIS J. VECCHIONE

GINA CANO
ELYSE O'CONNOR
CARL SAKS
JACLYN GRANET
JENNIFER LONG

BROOKLYN OFFICE
HEATHER BABITS
MARY FRANCES SCHNORR
JONATHAN A. SAKS
TERESA E. CIPOLLONE
SEAN DOOLEY
PAMELA L. SEGAL
COLLIN SPEARS
SAMONE ROGERS
NICOLE RYNSTON
JENNIFER PAN

October 1, 2015

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

United States District Court
Eastern District of New York
Attn: Clerk of the Court
225 Cadman Plaza East
Brooklyn, NY 11201

United States District Court
Eastern District of New York
Attn: Clerk of the Court
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: Samuel Martinez v. City of New York; John Holmes and Michael Vecchione,
as Employees of the Kings County District Attorney's Office, Detective Gerard
O'Dwyer, as Member of the NYC Police Department; Police Officer John Doe
Action No.: 15-CV-5182 ERK-SMG

Dear Sir/Madam:

My name is Michael Francis Vecchione. I am an attorney and managing partner at the law firm of Vecchione, Vecchione & Connors, LLP, located at 147 Herricks Road, Garden City Park, New York 11040.

On Wednesday, September 23, 2015, a process server attempted to serve process upon me in an action entitled:

*Samuel Martinez v. City of New York; John Holmes and Michael Vecchione,
as Employees of the Kings County District Attorney's Office, Detective Gerard
O'Dwyer, as Member of the NYC Police Department; Police Officer John Doe
Action No.: 15-CV-5182 ERK-SMG.*

United States District Court
Eastern District of New York
Attn: Clerk of the Court
October 1, 2015
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I did not accept service as the Michael Vecchione named in the Complaint is a different individual.

Based upon a quick perusal of the Summons and Complaint, it appears that an action is being brought by the plaintiff for the misconduct of a New York City Police Department and the Brooklyn District Attorney's Office. Upon information and belief, there is a Michael Vecchione that was employed by the Brooklyn District Attorney's Office. I have maintained private practice in the area of Workers' Compensation Law for more than 25 years.

It concerns me that my name and address are listed on the Summons in this action. I am carbon copying Robert Marinelli, Esq., the plaintiff's attorney in this action.

I am hopeful that, as an officer of the court, Mr. Marinelli will amend his Summons and Complaint to reflect the proper Michael Vecchione with his correct address.

Thank you for your prompt attention to this matter.

Very truly yours,

VECCHIONE, VECCHIONE & CONNORS, LLP

By:  Michael F. Vecchione, Esq.

HB/lh

cc: Robert Marinelli, Esq.
305 Broadway, 9th Floor
New York, NY 10007

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Samuel Martinez

Plaintiff

v.

City of New York, et al.,

Defendant

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 07 2015 ★

BROOKLYN OFFICE

Civil Action No. 15-cv-5182 ERK-SMG

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Michael Vecchione, Esq.
147 Herricks Road
Garden City Park, NY 11040

A lawsuit has been filed against you.

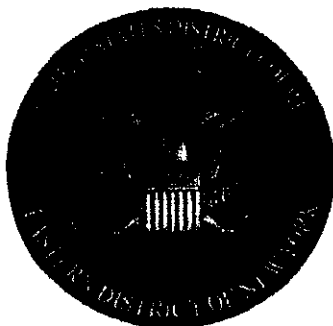
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Robert Marinelli, Esq.
305 Broadway, 9th Floor
New York, NY 10007

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Douglas C. Palmer
CLERK OF COURT

Date: 9/8/2015



s/Kimberly Davis

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SAMUEL MARTINEZ,

Plaintiff,

-against-

**COMPLAINT AND
JURY DEMAND**

ECF CASE

CITY OF NEW YORK; JOHN HOLMES and
MICHAEL VECCHIONE, Individually and as
Employees of the Kings County District Attorney's
Office, DETECTIVE GERARD O'DWYER,
Individually and as Members of the New York City
Police Department; POLICE OFFICER JOHN DOE
1-10,

Defendants.
-----X

PRELIMINARY STATEMENT

1. This is a civil rights action brought by plaintiff Samuel Martinez ("Mr. Martinez" or "Plaintiff") for damages pursuant to 42 U.S.C. § 1983 for his prosecution caused by the misconduct of the New York City Police Department ("NYPD") and the Brooklyn District Attorney's Office ("KCDA").

2. This lawsuit seeks to hold the defendant CITY OF NEW YORK liable for misconduct under federal civil rights statute 42 U.S.C. § 1983 and *Monell v. Dep't of Social Services*, 436 U.S. 658 (1978). The unlawful actions of police detectives and prosecutors documented in this lawsuit resulted from affirmative or *de facto* municipal policies, practices, and customs that serve to violate the constitutional rights of criminal suspects and defendants, or from deliberate